

From: Brian D. Elliott
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Microsoft Settlement

To whom it may concern,

I believe that the proposed settlement against Microsoft is too weak. The findings of fact by Judge Jackson clearly find that Microsoft is a monopoly, and the remedy phase of the trial should include some kind of punishment against the company. This is a company that, based on past experience, will have no trouble complying with the letter of the law in the settlement while blatantly violating its spirit. To them, it doesn't really matter. It'll be another 5 or 6 years before the government brings up another antitrust suit for Microsoft's anticompetitive actions in say, 2001.

The proposed final judgement also does not give adequate powers to the oversight committee. First, how will the oversight committee be chosen? There should be a panel of objective industry experts who understand the software industry in detail. Even so-called experts from places such as AOL and Sun Microsystems all have a personal agenda. Second, what powers will the oversight committee have to punish Microsoft if more anticompetitive practices are found? They should be given powers to levy extremely heavy fines on Microsoft if this is the case. The fines should be based on a percentage of the revenue they derive from the products or services in which the company exhibited the anticompetitive practices. Something needs to be done to keep Microsoft on an even playing field.

Reject the proposed final judgement. It does far too little to have any impact on Microsoft.

Sincerely,
Brian Elliott